

REMARKS

Upon entry of the instant Amendment, claims 1-20 will be pending in the application. By this amendment, claims 1, 20, 22, 28 and 31 will have been amended. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Claim Objection

Claim 2 was objected to because it improperly contains the text "16." at the end.

Applicants do not disagree. Accordingly, by this amendment, claim 2 has been amended to resolve this basis of objection, i.e., the noted language at the end of claim 2 has been deleted.

Accordingly, Applicants respectfully request that the above-noted objection be withdrawn.

35 U.S.C. § 101 Rejection

Claims 1-3 and 5-19 were rejected under 35 U.S.C. § 101 for being allegedly being directed to non-statutory subject matter.

Applicants respectfully disagree that the above-noted claims do not recite tangible and/or structural subject matter. Claim 1 clearly recites, among other things, a computer system and a visual interface. Claim 1 also notes that the initial view is displayed. Such devices are clearly forms of hardware and are not merely computer programs or software as alleged by the Examiner.

Thus, Applicants respectfully submit that independent claim 1, and dependent claims 2, 3 and 5-19, which depend from claim 1 are clearly directed to statutory subject matter.

Accordingly, Applicants respectfully request that the above-noted rejection under 35 U.S.C. § 101 be withdrawn.

35 U.S.C. § 103 Rejections

Over De La Motte alone

Claims 1-19 and 23-31 were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over U.S. Patent Application Publication No. 2003/0014318 to DE LA MOTTE et al. alone.

In order to establish a *prima facie* case of unpatentability under 35 U.S.C. § 103, one or more prior art references must disclose or suggest each and every element as set forth in the subject claim. Applicants respectfully submit that a *prima facie* case of unpatentability cannot be established because DE LA MOTTE fails to teach or suggest each and every element of the claims.

More particularly, amended independent claim 1 recites, *inter alia*,

an initial view generator that creates and displays an initial view of at least one sell bid on a visual interface, the at least one sell bid being represented by bid lines in a Cartesian coordinate system, the bid lines intersecting with at least one attribute preference line.

Additionally, independent claim 23 recites, *inter alia*,

one or more attribute lines that represent one or more attributes specified in the RFQ and the set of sell bids;
one or more bid lines that represent the one or more sell bids, the bid lines being

represented in the Cartesian coordinate system;
one or more target areas that represent desirable attribute value ranges specified in the RFQ; and
one or more target lines that represent one or more desirable attribute values specified in the bid view.

Finally, independent claim 31 recites, *inter alia*,

creating one or more RFQ views on a visual interface;
creating one or more bid views on a visual interface in a Cartesian coordinate system, the bid views being represented by bid lines associated with the one or more sell bids; and
creating one or more bid scores on a visual interface based on attribute values of the one or more sell bids.

Applicants submit that DE LA MOTTE does not disclose or suggest at least these features. Applicants acknowledges that DE LA MOTTE discloses a system for conducting electronic transactions (see paragraph [0031]). Applicants also acknowledge that DE LA MOTTE discloses that the system allows a buyer to send an RFQ to a transaction facilitator and displays the RFQ for review by the buyer (see paragraph [0039]). Applicants additionally acknowledge that the disclosed system allows bids which are responsive to the RFQ to be displayed on the buyer's display so that the buyer can compare the bids (see paragraph [0046]). Finally, Applicants acknowledge that the disclosed system allows the buyer to assign weights to each characteristic and "to customize the rating system" (see paragraph [0082]). However, Applicants submit that DE LA MOTTE is entirely silent with regard to an initial view generator that creates and displays an initial view of at least one sell bid on a visual interface, the at least one sell bid being represented by bid lines in a Cartesian coordinate system, much less, one wherein the bid lines intersect with at least one attribute preference line.

On page 3 of the instant Office Action, the Examiner asserts that paragraphs [0045] – [0047] of DE LA MOTTE discloses the recited bid lines. This is not correct. The cited language indicates that received bids can be displayed and not that the sell bid is represented by bid lines in a Cartesian coordinate system, much less, one wherein the bid lines intersect with at least one attribute preference line.

While acknowledging, on page 4 of the instant Office Action, that DE LA MOTTE fails to disclose that the bid can be represented in Cartesian coordinate system, with the bid lines intersecting with at least one attribute preference line, the Examiner nevertheless asserts that such features are well know as evidenced by software programs such as, e.g., Excel, SPSS, and MATLAB. Applicants respectfully disagree. It is certainly true that such programs are well know and are capable of producing visual graphs and charts. However, what the Examiner has failed to consider is why one or ordinary skill in the art would be motivated to modify the display in DE LA MOTTE to display the bids in a Cartesian coordinate system, wherein the bid lines intersect with at least one attribute preference line when there is no apparent disclosure in DE LA MOTTE with regard to creating at least one attribute preference line.

Applicants also submit that DE LA MOTTE is entirely silent with regard to a system wherein one or more attribute lines that represent one or more attributes specified in the RFQ and the set of sell bids, one or more bid lines that represent the one or more sell bids, the bid lines being represented in the Cartesian coordinate system, much less, one or more target areas that represent desirable attribute value

ranges specified in the RFQ, and one or more target lines that represent one or more desirable attribute values specified in the bid view.

While acknowledging, on page 4 of the instant Office Action, that DE LA MOTTE fails to disclose that the bid can be represented in Cartesian coordinate system with one or more target areas that represent desirable attribute value ranges specified in the RFQ, and one or more target lines that represent one or more desirable attribute values specified in the bid view, the Examiner nevertheless asserts that such features are well known as evidenced by software programs such as, e.g., Excel, SPSS, and MATLAB. Applicants respectfully disagree.

Again, it is certainly true that such programs are well known and are capable of producing visual graphs and charts. However, what the Examiner has failed to consider is why one of ordinary skill in the art would be motivated to modify the display in DE LA MOTTE to display the bids in a Cartesian coordinate system wherein one or more target areas that represent desirable attribute value ranges specified in the RFQ, and one or more target lines that represent one or more desirable attribute values specified in the bid view when there is no apparent disclosure in DE LA MOTTE with regard to creating target lines that represent values for individual attributes.

Moreover, in addition to failing to disclose the combination of features recited in the above-noted claims 1, 23 and 31, Applicants submit no proper modification of DE LA MOTTE discloses or suggests the combination of features recited in dependent claims 2-19 and 24-30, which also respectfully contain all of the features of claims 1 and 23.

Furthermore, to the extent that the Examiner relies upon official notice in support of the instant rejection, Applicants remind the Examiner that MPEP 2144.03 specifically explains that “[o]fficial notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.” Accordingly, Applicants respectfully request that the Examiner produce documentary evidence to support the Examiner's assertions to the extent that the Examiner is relying on official notice.

Thus, Applicants respectfully submit that independent claims 1, 23 and 31, and claims 2-19 and 24-30, which depend from claims 1 and 23 are allowable.

Accordingly, Applicants respectfully request that the above-noted rejection under 35 U.S.C. § 103(a) should be withdrawn.

Over De La Motte with Carlton-Foss

Claims 20-22 were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over DE LA MOTTE in view of U.S. Patent No. 6,647,373 to CARLTON-FOSS.

The Examiner acknowledges that DE LA MOTTE fails to disclose, among other things, the executing and/or creating the one or more winning bid lists. However, the Examiner explains that this feature is taught at col. 15, lines 45-50 and col. 12, lines 18-20 of CARLTON-FOSS and that it would have been obvious to combine the teachings of these documents. Applicants respectfully submit that a *prima facie* case of

obviousness has not been established as the applied references fail to teach each and every element of the claims.

Independent claim 20 recites, *inter alia*,

creating one or more RFQ views on a visual interface;
creating one or more bid views on a visual interface in a Cartesian coordinate system, the bid views being represented by bid lines associated with the one or more sell bids; and
creating one or more bid scores on a visual interface based on attribute values of the one or more sell bids.

As explained above, DE LA MOTTE is entirely silent with regard to a system wherein one or more attribute lines that represent one or more attributes specified in the RFQ and the set of sell bids, one or more bid lines that represent the one or more sell bids, the bid lines being represented in the Cartesian coordinate system. However, Applicants submit that it is also clear that DE LA MOTTE is silent with regard to creating one or more bid scores on a visual interface based on attribute values of the one or more sell bids.

Furthermore, CARLTON-FOSS cannot cure the deficiencies of DE LA MOTTE since this document is also entirely silent with regard to a system wherein one or more attribute lines that represent one or more attributes specified in the RFQ and the set of sell bids, one or more bid lines that represent the one or more sell bids, the bid lines being represented in the Cartesian coordinate system, much less, creating one or more bid scores on a visual interface based on attribute values of the one or more sell bids.

Indeed, the Examiner has acknowledged on page 15 of the instant Office Action that both DE LA MOTTE and CARLTON-FOSS fail to disclose or suggest that the bid can be represented in Cartesian coordinate system with one or more target areas or

target lines. Nor are Applicants persuaded by the Examiner's assertion that such features are well known as evidenced by software programs such as, e.g., Excel, SPSS, and MATLAB. Again, while it is certainly true that such programs are well known and are capable of producing visual graphs and charts, the Examiner has failed to consider why one of ordinary skill in the art would be motivated to modify the displays in DE LA MOTTE and/or CARLTON-FOSS to display the bids in a Cartesian coordinate system with one or more target areas or target lines when there is no apparent disclosure in either DE LA MOTTE or CARLTON-FOSS with regard to creating sell bids with bid lines.

Based on the above-noted deficiencies, Applicants submit that no proper combination of DE LA MOTTE and CARLTON-FOSS discloses or suggests the combination of features recited in at least independent claim 20. Applicants also submit that no proper modification of these documents discloses or suggests the combination of features recited in at least claim 20.

In addition to failing to disclose the combination of features recited in claim 20, Applicants submit no proper combination of DE LA MOTTE and CARLTON-FOSS discloses or suggests the combination of features recited in dependent claims 21 and 22, which also respectfully contain all of the features of claim 20.

Furthermore, to the extent that the Examiner relies upon official notice in support of the instant rejection, Applicants remind the Examiner that MPEP 2144.03 specifically explains that "[o]fficial notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common

knowledge in the art are capable of instant and unquestionable demonstration as being well-known." Accordingly, Applicants respectfully request that the Examiner produce documentary evidence to support the Examiner's assertions to the extent that the Examiner is relying on official notice.

Accordingly, Applicants respectfully submit that the above-noted rejection under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Any fees required for consideration of the instant response are hereby authorized to be charged to our Deposit Account No. 50-0510.

Respectfully submitted,
Juhnyoung LEE et al.



Andrew M. Calderon
Reg. No. 38,093

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
703-716-1191